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ART. III. — *Memoirs of SIR THOMAS FOWELL BUXTON, BART.* Edited by his Son, CHARLES BUXTON, Esq., B. A. Second Edition. London: 1849. 8vo. pp. 614.

It would be with great reluctance that we should call a man whom we very much respected a “philanthropist.” From the common application of the word it has acquired the most unpleasant associations, and we never hear it without experiencing a series of very disagreeable emotions. There comes up before us the image of a thin man, of a nervous habit and inquisitive disposition; of a dyspeptic and pugnacious temperament; whose talents not having been appreciated in the exercise of any useful or ornamental art, has much leisure to talk about very offensive subjects in a very offensive way; who is always full of bad taste and false logic, apt to be personal, while his facts are as tender as his assertions are hardy. He is not modest, not wise, not useful, not a gentleman, not much of a man; — but he is “earnest,” and so self-forgetful that he has quite run to seed without knowing it. He possesses only a part of the qualities of charity; for he “believeth all things” and “hopeth all things,” but he is “puffed up,” and doth “behave himself unseemly.”

This, we have been assured by himself and his friends, is a philanthropist. We were skeptical as to the statement. We felt a distrust of the man and the speaker, and a little alarmed. Perhaps our dignity was somewhat hurt at the implication that we, too, in spite of that privacy which our insignificance assures us, in spite of the distance which we have most anxiously preserved, were nevertheless made an object of the gentleman’s affection. We thought it cruel to be thus clasped (even metaphorically) in his embrace. We supposed it was quite impossible for us to escape; but we felt both disposed and authorized to adopt the most energetic measures in the attempt.

Now, by the general rule, every man who makes speeches for the negroes is a philanthropist. Sir Fowell Buxton made speeches for the negroes. But the syllogism fails. Here at least is an exception, for Sir Fowell Buxton was an excellent and able man. He *was* modest, wise, and useful, — very

much of a gentleman, and we should maintain, a great man ; great in purpose, great in action, great in his influence upon great affairs ; timid in profession, brave in accomplishment ; hesitant in deliberation, prompt in action ; of a comprehensive mind, "looking before and after ;" genial of heart, open of hand ; ready of access to every influence which should move a man, but when determined, of an energy which guaranteed the future.

In reading the history of a life like his, the characteristics of the pseudo-philanthropist become more painfully distinct from the contrast. When we observe how, under the guidance of a pure motive, a man has been able to benefit many of his race by devoting the best energies and highest powers of his nature to their improvement, we look with increased distrust upon those who pretend, indeed, to follow his example, but whose characters lack the cardinal virtues of temperance, charity, and fairness, and whose action is more harmful to the progress of good than any thing which we know. Is it not, indeed, a miserable sight to see the leadership taken by false guides ; to see present defeat and lasting disgrace brought upon many a good cause by the unfitness of those who conduct it ? Can we believe in the sincerity of those who, professing universal philanthropy, show a total want of every lesser charity ? What title shall we give them, when we remember that "whoever makes truth disagreeable, commits high treason against virtue."

And here we would express our sense of the admirable manner in which the editor of these *Memoirs* has performed his task, and of the great value of the book he has published. The narrative is well arranged, simply and concisely written. The writer never gets between you and his subject, and never tries to make a great deal out of a very little. There is no lagging of interest, but the story moves steadily forward to the end. The editor has avoided those sins of prolixity and excessive eulogy to which biographers are peculiarly prone, and has fully succeeded in his object, as set forth in the preface, to "show, as plainly as possible, what sort of a person my father was, so that the reader should feel as if he had been one of his most intimate friends." The purpose of the book is not to display Mr. Buxton's talent, though it was commanding ; nor the part he played in the history of

his country, though it was distinguished ; nor to give a picture of the society in which he moved, though it was highly cultivated and respectable ; but to show his motives, his principles, and his conduct, and to point out, as can be done in the biographies only of a few, how faithful the course of his life was to his purest motives, and to his most profound convictions ; how he kept “ the height that he was able to attain.”

In estimating the value of such a biography so written, our only danger is on the side of extravagance. Still we feel constrained to place it in the first rank among works of the greatest value. For there is no higher object of literature than to “ teach virtue not to be ashamed, and to turn many to righteousness.” There is no surer means of accomplishing this than the example of a life which gives at once a proof of the possibility of virtue, shows the means of its attainment, and the glorious results of its acquisition.

Mr. Buxton was not a man of genius. The original powers of his mind were those which most men possess ; and it is this fact which renders his biography of the greater value, because it is an example applicable to all men. We have the lives of extraordinary men, and they are curious and valuable. But ordinary men see nothing in them applicable to their own condition of mind and character. They draw no argument from them to influence their own lives. Few men of any one generation excel in those qualities of sensibility, of discrimination, of decision, which make the poet, the philosopher, or the commander. Fewer still are placed in circumstances to become heroes in history. Most men cannot be remarkable ; the majority must always be common-place. But all men have characters to develop, and duties to perform, with such powers as they have, and under the circumstances of their position. And the man who has solved the questions, and performed the duties, that are placed before every individual of his race, has achieved a work of universal usefulness, if not of universal fame.

Thomas Fowell Buxton was born at Earl's Colne, in the county of Essex, England, on the first of April, 1786. His father, whose name he bore, was high sheriff of the county, a man of kind and active disposition and liberal hospitality. Dying in 1792, he left his widow with three sons and two daughters. Thomas Fowell, the eldest son, thus came under

the sole care of his mother when but six years old. He had already given evidence of a bold and determined character, which needed more firmness of control than is usually exercised over a fatherless boy. One who knew him when young, said of him, "He never was a child ; he was a man when in petticoats." But his mother was a woman of remarkable energy. Her son described her as "large-minded about every thing ; disinterested almost to an excess ; careless of difficulty, labor, danger, or expense, in the prosecution of any great object. With these nobler qualities were united some of the imperfections, which belong to that species of ardent and resolute character." She belonged to the Society of Friends ; but, as her husband was a member of the Church of England, her children were baptized in infancy, and she never attempted to convert them to her faith. But her whole influence was exerted to give them a high moral and religious culture, and to imbue their minds with reverence for the Scriptures, and an interest in generous and charitable purposes. This influence had much effect in regulating the character and directing the course of her son until he became of age, when his mother contracted a second marriage with Mr. Edmund Henning, of Weymouth.

When only four years and a half old, Fowell Buxton was sent to school at Kingston, where he suffered so severely from ill-treatment and want of food, that his health was impaired, and he was removed, after two years of this peculiarly English discipline, to the school of the celebrated Dr. Charles Burney, at Greenwich. At this school he passed eight years, "without making any great advances in learning." He was then, as in mature years, remarkably tall ; and this, with the slowness of his mental powers, added perhaps to a certain weight of character even then discernible, gained him the nickname of "Elephant Buxton." His vacations were spent sometimes with his paternal grandmother, at her country house, Bellfield, near Weymouth, but more frequently with his mother at Earl's Colne. Here he was instructed in the mysteries of fieldsports by a faithful gamekeeper, named Abraham Plaistow, a man of whom Mr. Buxton, in riper years, said, —

"He had more of natural good sense and what is called mother wit, than almost any person I have met with since : a knack

which he had of putting every thing into new and singular lights, made him a most entertaining and even intellectual companion. He was the most undaunted of men: I remember my youthful admiration of his exploits on horseback. For a time he hunted my uncle's hounds; and his fearlessness was proverbial. But what made him particularly valuable was his principles of integrity and honor. He never said or did a thing in the absence of my mother of which she would have disapproved. He always held up the highest standard of integrity, and filled our youthful minds with sentiments as pure and as generous as could be found in the writings of Seneca or Cicero. Such was my first instructor, and, I must add, my best; for I think I have profited more by the recollection of his remarks and admonition, than by the more learned and elaborate discourses of all my other tutors. He was our playfellow and tutor; he rode with us, fished with us, shot with us, upon all occasions."

Living at home, with Abraham Plaistow for his "guide, philosopher, and friend," was naturally more agreeable to a boy of his age than to be at school; and he persuaded his mother to allow him to remain. He was now fifteen years old. Several months were passed at this important period without definite object or occupation. He shot, hunted, and fished, and "when no active amusement presented itself, would sometimes spend whole days in riding about the lanes on his old pony, with an amusing book in his hand." As eldest son, he was almost master of the house; his naturally strong will was growing into wilfulness, his manners had not been softened at school, and he was fast becoming violent, rough, and domineering. "At the same time, his friends attempted to correct the boyish roughness of his manners by a system of ridicule and reproof, which greatly discouraged and annoyed him." A few months more of idleness, of indulgence of his love of authority, with the discipline of annoyance and discouragement, and the finer parts of his character might have been overshadowed or destroyed; but "through the kindness of Providence, (as he used emphatically to acknowledge,)" he came, at this critical time, under an influence which called out all the higher and kindlier qualities of his nature, and taught him to exercise over his passions and evil tendencies that power which controlled them through his after life, and turned all their strength to the accomplishment of good ends.

John, the eldest son of Mr. Joseph John Gurney, of Earham Hall, near Norwich, was his friend, and at his invitation Buxton paid him a visit at his father's house in the autumn of 1801. Mr. Gurney had then been for several years a widower, with a family of eleven children. The three eldest daughters were older than young Buxton; but his friend John and four sisters were about his age, while three younger boys filled up the number of a most attractive and remarkable family.

Both Mr. and Mrs. Gurney were Quakers, descended from the earliest and strictest members of that sect. Mrs. Gurney was of the family of Barclay the Apologist. Both were people of more than ordinary intelligence, liberality, and force of character. But while they adhered most strictly to the weightier matters of the law, they had departed from those severer rules of their ancestors which would interfere with liberal education, or innocent amusement. Their children were taught to dance, sing, and draw. We imagine they were dressed at least as gaily as other children, for we read of Mrs. Fry, who afterwards gave a charm to the most sober costume of the Friends, riding out in her younger days upon an errand of kindness to the sick, in all the brilliancy of a scarlet riding-habit. Their house had been a favorite resort of much agreeable society, for which Norwich was at this time distinguished, among whom were William Taylor, Dr. Alderson and his daughter Mrs. Opie, Dr. Sayers, and others.

But nine years before the period of which we are speaking, Mrs. Gurney had died, leaving her large family to the care of her husband and elder daughters. The characters and talents, which these children afterwards developed, make it easy to account for the strong and beneficial influence which they exerted upon young Buxton. Three of them became authors of works exciting much attention at their publication, and still read with interest. Three became ministers among the Friends. All were active in the duties and charities of private life; and two of them, Mr. J. J. Gurney and Mrs. Fry, were eminently distinguished among the early reformers of prison discipline, and publicly associated with most of the benevolent works of their time. Many of the family were distinguished in after life for beauty of person, for eloquence of discourse, and for tact and fascination of manners. We trace among

them a remarkable power and charm of personal presence. It was this, in great measure, which enabled Mrs. Fry to perform the wonders she achieved among the prisoners at Newgate. It was this which, in Priscilla Gurney, was "irresistible in reducing all with whom she conversed under her gentle influence;" and we get hints of the same power from such notices as are public of the brothers, and some other members of the family. We find its source partly in the quickness and strength of intellect, in the originality and force of character, which they possessed; but chiefly in a delicate and profound sensibility which distinguished them. Though by this sensibility the eldest brother and a sister were brought to their graves broken-hearted at the loss of wife and son, yet, when wisely controlled and directed, it gave them in their intercourse among men an acuteness and delicacy of perception, an intuitive appreciation of the characters, tastes, and tendencies of others, which, in all the fine diplomacy of social intercourse, threw the game into their more sensitive and skilful hands.

But now they were young, handsome, full of life, and eager in the improvement of their tastes and talents. Earlham Hall wanted no charms to make a home happy. The house was large, old, and irregular, standing in the centre of a park well wooded with old trees. The land was diversified. On the south front of the house stretched a fine lawn, "flanked by groves of trees growing from a carpet of wild flowers, moss, and long grass," while by it ran the river Wensum, a "clear winding stream," whose banks, overhung by an avenue of ancient timber trees, were a favorite resort of the young people.

In after life, the members of the family differed in their condition, their interests, and their forms of faith. Wilberforce says they contained some "queer combinations," adding at the same time, that they included also "all that is to be esteemed, and loved, and respected too, and coveted." But amid all their diversities, they could say, with their Quaker sister, that there were "sweet doors of spiritual harmony open among them all;" and their common home was ever a point of union. There they assembled at the bridal and the birth. There they met around the death-bed and the grave, as one

by one, in prime or blossom or decay, they left the world in which they had led beloved and honored lives.

Young Buxton spent two months with the Gurneys. The boy's age was one in which a deep impression is easily made ; his nature one by which it was firmly retained. He became attached to Hannah Gurney, and returned home with every motive for exertion strong upon him. As it was expected that he would inherit property in Ireland, his mother deemed it advisable that her son should be educated at the University of Dublin, a plan which he little relished. With that absolute conviction which characterizes the opinions of a youth of fifteen, he writes his mother, that his aversion to her plan "is, ever was, and ever will be invincible ; nevertheless, if you command, I will obey." Mrs. Buxton did command, and Fowell was, in the winter of 1802, placed in the family of Mr. Moore of Donnybrook, to be fitted for the college examination. "It was shortly before the Christmas holidays that he took up his abode at Donnybrook, where he found himself inferior to every one of his companions in classical acquirements ; but he spent the vacation in such close study, that on the return of the other pupils, he stood as the first among them." This was the beginning of five years spent in Ireland, one being at Donnybrook, and four at Trinity College, Dublin. When there, he forgot his "invincible" aversion, and carrying out all the good resolutions that he had made at Earlham, he formed a character fit to be respected and beloved. His application was intense and irresistible. "I never looked into a novel or newspaper—I gave up shooting. During the five years I was in Ireland, I had the liberty of going when I pleased to a capital shooting place. I never went but twice." Thirty years after, when preparing his work on "The Slave Trade and its Remedy," he worked "day after day, from breakfast till two or three o'clock the next morning, with the interval of only a short walk and meals. I do not think," he says, "I have worked so hard since I left college." His only relaxation was an occasional visit to Earlham, where he became engaged to Miss Gurney two years before graduation. Nor were his exertions at the University less successful. He was graduated with the most distinguished honor. Fourteen examinations were held during the college course, at the end of which

a gold medal was presented to those who at each examination had distinguished themselves in every subject, only one failure being allowed. Buxton received the gold medal. At the Historical Society, a debating club in which the students took great interest, silver medals were awarded by the votes of the members, two for eloquence and two for proficiency in history. Buxton took them all. So great was the notice attracted by his success, that he received a proposal from the electors of the University to represent them in Parliament.

“No higher token of esteem than this could have been offered to one without wealth or Irish connection, and without the smallest claim upon the consideration of the University, except what his personal and academical character afforded. Such an offer it was not easy to reject, and he was, as he says at the time, ‘extremely agitated and pleased by it.’ He weighed the pleasure, the distinction, the influence promised by the political career thus unexpectedly opened before him; and he set against these considerations the duties which his approaching marriage would bring upon him. Prudence prevailed, and he declined the proposal.”

Amid this honor and success, the loss of his Irish property was little heeded. Other claimants came forward, and an expensive lawsuit resulted in defeat. But the disappointment of his expectations of wealth did not postpone his marriage, which took place the next spring after he left Dublin.

He was now just of age; his patrimony had been diminished by certain unfortunate speculations in which his mother had engaged; and he found that if he was to obtain wealth, it must be by his own exertions. After full consideration, he determined to give up the plan of studying law, which he had entertained through college, and to establish himself in business. Negotiations to this end were accordingly opened in different quarters; but nearly a year passed away in an anxious inactivity, particularly harassing to his energetic nature. His eldest child was born at Earlham during the winter; and in the following spring, Mr. Sampson Hanbury, his uncle, offered him a situation in an extensive brewery establishment with which he was connected, with the prospect of becoming a partner after three years’ probation. The offer was joyfully accepted. Buxton went to London in July, 1808, and at the close of the year took a house connected with the brewery, which he occupied for several years.

During the first three years of his London residence, his time and thoughts were much occupied by his business ; but he still found intervals for reading and study. He had still the idea of entering Parliament at some future time, and he attended a debating society, where he met again his classmate North, Henry Grattan, the younger son of the distinguished Mr. Grattan, Spring Rice, Horace Twiss, and others. And he was not content without some occupation by which he might promote the happiness and well-being of others.

He became an acquaintance and friend of William Allen, a Quaker, a distinguished chemist, a man of enlightened benevolence, and of so high a character for intelligence and integrity, that he was appointed one of the guardians of the present queen during her minority. A few months after reaching London, he joined a small society just instituted, " for the purpose of calling the public mind to the bad effects and inefficiency of capital punishments." Although a member of the Church of England, his connection with the Quakers through his mother and the Gurney family was very close and endearing. His Sundays were frequently spent with Mr. and Mrs. Fry ; and for four years after his marriage, he generally attended a Friends' meeting. By this influence his benevolent principles were strengthened and directed. His brother-in-law, Mr. Samuel Hoare, " between whom and himself there existed then and through life, a friendship and close fellowship far beyond what usually results from such a connection," shared all such pursuits and labors with him. " With them was also linked his own brother Charles, who was settled in London, and was the favorite companion of both."

The following extract from a letter dated September 23, 1810, describes his life at this time.

" I have passed a very quiet and industrious week, up early, breakfast at eight o'clock, dinner near six, and the evenings to myself, which have been well employed over my favorite Blackstone. I read him till near ten last night, and then Jeremy Taylor till past eleven, and could hardly give him up, he was so very entertaining a companion. . . . This morning I went to Gracechurch Street meeting ; I was rather late, which made me feel hurried, and prevented my having sufficient time to myself before meeting ; however, I had made a little use of my friend

Jeremy at breakfast, and this and last night's readings gave me occupation for my thoughts. I saw William Allen, who wants me to call upon him to-morrow, as he says he has found a place for the boys' school as suitable as if we were to build one." p. 34.

"In 1811, Mr. Buxton was admitted as a partner in the brewery; and during the ensuing seven years he was almost exclusively devoted to his business. Soon after his admission, his senior partners, struck by his energy and force of mind, placed in his hands the difficult and responsible task of remodelling their whole system of management. It would be superfluous to enter into the details of his proceedings, though, perhaps, he never displayed greater vigor and firmness than in carrying through this undertaking. For two or three years he was occupied from morning till night, in prosecuting, step by step, his plans of reform: a single example may indicate with what spirit he grappled with the difficulties that beset him on all sides.

"One of the principal clerks was an honest man, and a valuable servant; but he was wedded to the old system, and viewed with great antipathy the young partner's proposed innovations. At length, on one occasion, he went so far as to thwart Mr. Buxton's plans. The latter took no notice of this at the time, except desiring him to attend in the counting-house at six o'clock the next morning. Mr. Buxton met him there at the appointed hour; and, without any expostulation, or a single angry word, desired him to produce his books, as he meant for the future to undertake the charge of them himself, in addition to his other duties. Amazed at this unexpected decision, the clerk yielded entirely; he promised complete submission for the future; he made his wife intercede for him; and Mr. Buxton, who valued his character and services, was induced to restore him to his place. They afterwards became very good friends, and the salutary effect of the changes introduced by Mr. Buxton was at length admitted by his leading opponent; nor, except in one instance, did he ever contend against them again. On that occasion, Mr. Buxton merely sent him a message 'that he had better meet him in the counting-house at six o'clock the next morning,'—and the book-keeper's opposition was heard of no more.

"We may add, that among other points wanting reform, he found that the men employed were in many instances wholly uneducated. To the remedy of this evil, he took a more direct road than exhortation or advice. He called them together, and simply said to them: "This day six weeks I shall discharge every man who cannot read and write." He provided them a schoolmaster, and means of learning, and on the appointed day

held an examination. Such had been the earnestness to learn that not one man was dismissed." pp. 39, 40.

Mr. Buxton continued to reside in London, constantly engaged in the management of the brewery, until the summer of 1815, when he took a house at Hampstead, that his four children might have the benefit of purer air. The intelligence and energy which he brought to his business did not fail of meeting with a success, which, in the course of several years, enabled him to relax that uninterrupted attention which he had heretofore bestowed upon it, and afforded him leisure for other occupations. He writes to his wife of a plan he had formed, "after a few years, to live somewhere quiet in the country, and go to town for one week in a month. I think that with strict, unsparing rules, this is all that would be necessary; the unsettlement would be no objection to me, for I do not find that change from one employment to another quite different produces it; and I fancy that I could brew one hour, study mathematics the next, shoot the third, and read poetry the fourth, without allowing any one of these pursuits to interfere with the others." This arrangement he in effect carried out, being relieved from attention to the details of business, though he continued through life to have a general supervision of the affairs of the brewery. He avoided the danger to which his earnest nature was perhaps particularly disposed, that of becoming absorbed in his work for his work's sake, and valuing the intensity rather than the result of his labor. He was busy that he might have leisure, and in acquiring wealth he did not forget the responsibility which came with it.

Born of religious parents, and subjected from his childhood to a strong religious influence from those with whom he was most nearly connected, the earlier years of Mr. Buxton's life had shown the proper fruits of such teaching and example. While in college, he avoided the dissipation prevalent among his companions, partly by his unceasing industry in study, and partly in consequence of certain promises registered at Earlham. While travelling in Scotland with the Gurneys, during one of his vacations,

"His attention was drawn with increased earnestness to the subject of religion. When at Perth, he purchased a large Bible, with the resolution, which he steadfastly kept, of perusing a portion

of it every day ; and he mentions in a letter, dated September 10, 1806, that quite a change had been worked in his mind with respect to reading the Holy Scriptures. ‘Formerly,’ he says, ‘I read generally rather as a duty than as a pleasure, but now I read them with great interest, and, I may say, happiness.’ And again, ‘Some of the happiest hours that I spend here are while I am reading our Bible. I never before felt so assured that the only means of being happy is from seeking the assistance of a Superior Being.’ ”

The course of his life which we have thus far traced shows that these sentiments led to diligence, sobriety, and charity. With increasing years and powers of mind, his religious principles kept equal growth. In the silent meetings of the Friends, which he attended with Mrs. Fry, he was able “thoroughly to engage himself” in trains of deep and searching thought. “Except your righteousness exceed the righteousness of the scribes and pharisees, ye shall in no case enter into the kingdom of heaven,” was a text “very striking to him.” “It is so serious a thing to be only on a par with the generality of those you see around you ;” and the result of his meditations is, “this evening I have been thinking what I can do for the poor this winter ; I feel that I have as yet done far short of what I ought, and what I wish to do.”

Nor had events been wanting by which he learned practically what he had felt assured of at Perth. In 1811, his youngest brother, Edward, died under very painful circumstances. A wayward boy, he had been sent to sea when fourteen years old as midshipman in an East Indiaman, under the care of his relative, Captain Dumbleton. He left his ship in his first voyage, and entered the king’s service ; and after this change, nothing was heard of him by his friends at home. More than four years had passed by, and “death at sea” had by degrees become accepted as the cause of an unbroken silence, when a letter reached Mr. Buxton from one of his brother’s shipmates, stating that Edward was at Gosport in a dying condition, and earnestly desirous of seeing his family. They were soon by the side of their dying brother, who lingered only long enough to prove how well he was prepared for the change which was at hand.

“His sister Sarah, in describing the solemn, and yet peaceful, meeting round the death-bed of the returned wanderer, thus men-

tions her eldest brother : — ‘Fowell, the head of our family, is a strong support ; and when religious consolation was so much wanted, he seemed most ready to afford it. The power of his influence we deeply felt : it was by far the most striking feature in the past remarkable month.’ ”

A few years after, he lost, in his brother Charles, his best friend and the companion he most loved. It was a deep and irreparable loss ; the chief joy of his life seemed gone forever, for their characters had harmonized in a remarkable manner.

“Twenty years afterwards, in reviewing the leading occurrences of his life, he thus refers to this event : — ‘I know of no tie, that of husband and wife excepted, which could be stronger than the one which united Charles and me. We were what the lawyers call ‘tenants in common’ of every thing. He was, I think, the most agreeable person I ever knew. A kind of original humor played about his conversation. It was not wit ; it was any thing rather than that species of humor which provokes loud laughter ; it was not exactly *naïveté*, though that comes nearest to it ; it was an intellectual playfulness, which provided for every hour, and extracted from every incident a fund of delicate merriment. He died at Weymouth, in the year 1817 ; and thou knowest, O Lord, and thou only, how deeply I loved, and how long and how intensely I lamented him.’ ”

Thus both education and experience tended to give to Mr. Buxton’s character a strong religious bias. The nature of his mind was such, that he could not stop short of devoting himself to the highest objects, and ruling himself by the highest motives, of which he was capable. If men were, like him, thoroughly in earnest, they would also be thoroughly religious. It is a superficial mind which allows itself to be distracted by objects of attainment inferior to the highest. Devoted earnestness, and a thorough energy which knew no rest except in the attainment of its endeavor, were leading characteristics of Mr. Buxton ; and he knew, as all men know, where the highest objects are to be sought, and how they are to be found.

But this very earnestness in his pursuits was sometimes felt by him to be an obstruction in his path toward that devotion to religion which he knew its claims required. When engrossed in business, he found there was a very large portion “of one’s life, in which one might as well be a heathen.” “How sincerely I do often wish,” he says, “that I could direct this fervent energy about temporals into its proper

channels ; that I could be as warm about things of infinite importance as I am about dust and ashes." His wish was granted. In the fall of 1813, he was seized by an illness which brought him to the brink of the grave, and in the course of which he received impressions to which he ever referred much of that ascendancy of religion over his mind which guided and blessed his after life. Feeling himself very unwell, he prayed that he might have a dangerous illness, provided he was brought by it nearer to God. In such a state of mind, the bodily weakness, the uncertainty of life, the proofs of love from friends, and the very corporeal pains he suffered, served but to free him from the distractions and doubts of life, and enable him to fix a firmer hold upon eternal things. A sense of the "unbounded, the unmerited love" of God, and of the close clustering mercies he had received, filled him with a gladness of heart in which all doubts vanished, all pain was lost, and all fear cast out, while in absolute faith he found perfect peace. At the age of twenty-seven, a man of Mr. Buxton's firmness does not rise from a sick bed where such impressions have been received, without bearing the stamp ever after. As his health and strength returned, he became still more active in the advancement of benevolent objects than he had formerly been ; and still by attentive study of the Scriptures, by prayer and meditation and rigorous self-examination, he kept straight his path, maintaining bright and clear before him the things which are unseen, with a sense of their actual reality, which most men attain only in regard to what are called matters of fact. Thus guided, strengthened, and impelled, he had his conversation in this world.

As a striking illustration of the remarkable courage and decision which were characteristic of Mr. Buxton's temperament, we will quote the account given in a letter to his wife, of an adventure which he had with a mad dog.

"Spitalfields, July 15, 1816.

"As you must hear the story of our dog Prince, I may as well tell it you. On Thursday morning, when I got on my horse at S. Hoare's, David told me that there was something the matter with Prince, that he had killed the cat, and almost killed the new dog, and had bit at him and Elizabeth. I ordered him to be tied up and taken care of, and then rode off to town. When I got

into Hampstead, I saw Prince covered with mud, and running furiously, and biting at every thing. I saw him bite at least a dozen dogs, two boys, and a man.

“Of course I was exceedingly alarmed, being persuaded he was mad. I tried every effort to stop him or kill him, or to drive him into some outhouse, but in vain. At last he sprang up at a boy, and seized him by the breast; happily I was near him, and knocked him off with my whip. He then set off towards London, and I rode by his side, waiting for some opportunity of stopping him. I continually spoke to him, but he paid no regard to coaxing or scolding. You may suppose I was seriously alarmed, dreading the immense mischief he might do, having seen him do so much in the few preceding minutes. I was terrified at the idea of his getting into Camden Town and London, and at length, considering that if ever there was an occasion that justified a risk of life, this was it, I determined to catch him myself. Happily he ran up to Pryor’s gate, and I threw myself from my horse upon him, and caught him by the neck: he bit at me and struggled, but without effect, and I succeeded in securing him, without his biting me. He died yesterday, raving mad.” pp. 57, 58.

He afterwards mentioned some particulars which he had omitted in this hurried letter.

“When I seized the dog,” he said, “his struggles were so desperate that it seemed at first impossible to hold him, till I lifted him up in the air, when he was more easily managed, and I contrived to ring the bell. I was afraid that the foam, which was pouring from his mouth in his furious efforts to bite me, might get into some scratch, and do me injury; so with great difficulty I held him with one hand, while I put the other into my pocket and forced on my glove; then I did the same with my other hand, and at last the gardener opened the door, saying, ‘What do you want?’ ‘I’ve brought you a mad dog,’ replied I; and telling him to get a strong chain, I walked into the yard, carrying the dog by his neck. I was determined not to kill him, as I thought if he should prove not to be mad, it would be a great satisfaction to the three persons whom he had bitten. I made the gardener, who was in a terrible fright, secure the collar round his neck and fix the other end of the chain to a tree, and then walking to its furthest range, with all my force, which was nearly exhausted by his frantic struggles, I flung him away from me, and sprang back. He made a desperate bound after me, but finding himself foiled, he uttered the most fearful yell I ever heard. All that day he did nothing but rush to and fro, champing the foam which gushed from his jaws; we threw him meat, and he snatched at it with fury, but instantly dropped it again.

“The next day, when I went to see him, I thought the chain seemed worn; so I pinned him to the ground between the prongs of a pitchfork, and then fixed a much larger chain round his neck; when I pulled off the fork, he sprang up and made a dash at me, which snapped the old chain in two! He died in forty-eight hours from the time he went mad.” pp. 58, 59.

He was soon called into public action. We have seen that, in the Historic Club at Dublin and at the Academics in London, he had cultivated the power of public speaking. The first time that he addressed a public meeting was in 1812, at a meeting of the Bible Society in Norwich, to which his brother-in-law, Mr. J. J. Gurney, had engaged him to give his support. His speech was a successful one, but not comparable in effect to the next which he delivered, in 1816, at a meeting held at the Mansion House in behalf of the Spitalfield weavers. The winter had set in early and with severity. The silk trade was stagnant; the price of wheat rose from 55*s.* 6*d.* to 103*s.* 7*d.* in the course of the year, and the weavers were thrown from that brink of starvation, on which they existed in more prosperous seasons, into absolute destitution. Mr. Buxton and his brother-in-law, Mr. Hoare, seem to have been active in the first movements for the alleviation of this distress. They postponed their usual visit to Earham. A public meeting was organized for the purpose of obtaining the necessary funds to supply the most pressing wants. Mr. Buxton's heart and mind had become thoroughly imbued with the subject. He went to the meeting feeling “very flat,” and after his speech had been delivered, “considered it as a kind of failure.” Other people took a different view of it. Our limits will not allow us to give an extract sufficient to serve as a specimen of its eloquence, and we must content ourselves with citing evidence of its effects.

“The speech reappeared in publications of the most widely different character. It was republished by the Spitalfields Benevolent Society, as the best means of creating sympathy with their exertions; it was republished by Hone and the democrats, as the best statement of the miseries permitted under the existing government; and it was republished by the friends of that government, ‘because,’ said they, ‘it forms so beautiful a contrast to the language of those wretched demagogues, whose infamous doctrines would increase the evils they affect to deplore.’

“‘By this one meeting at the Mansion House,’ says the report

of the Spitalfields Benevolent Society, ‘£43,369 were raised.’ Two days after it had been held, Lord Sidmouth sent for Mr. Buxton, to inform him, that ‘the Prince had been so pleased by the spirit and temper of the meeting, and so strongly felt the claims that had been urged, that he had sent them £5000.’” p. 64.

At the same time, Mr. Wilberforce wrote to express the pleasure he felt in his success, and adds, “I anticipate the success of the efforts which I trust you will one day make in other instances, in an assembly in which I trust we shall be fellow laborers, both in the motives by which we are actuated and in the objects to which our exertions will be directed.”

Mr. Wilberforce’s anticipations were destined to be realized as fully as even he could wish; but Mr. Buxton did not obtain a seat in Parliament till more than a year and a half from this time. Meanwhile, he directed his attention to the improvement of the prisons. The subject of prison discipline was not a new one in England at this time, but it was little attended to, and little understood. It was now to receive a vigorous and lasting impulse. But we shall better appreciate what Mr. Buxton really effected, if we glance for a moment at what had been done in the matter before his time.

Forty years before (in 1773) there was appointed to the office of High Sheriff of the county of Bedford a gentleman who was not content that his white wand should be borne in court by a deputy, but who attended to this, as to all other duties, with a scrupulous fidelity. His attention was attracted to abuses which a deputy might have overlooked. He examined the gaol of his county—it was the same in which Bunyan wrote the *Pilgrim’s Progress* a hundred years before—and shocked at the state of affairs he found, he visited the neighboring counties, in search of an example by which to reform the abuses at home. But he found that what he had taken for an exception was the rule; and in looking throughout the country for an example, he discovered the universal disorder which existed. Its demonstration was the first step towards its reform; and in 1777, he published a book, entitled, “*The State of the Prisons in England and Wales*,” by John Howard. Public attention was aroused. In consequence of his representations, the subject was brought before the House of Commons, and some of the abuses which existed were revealed. It was found that the gaol fever, brought on

by want of air and proper food and cleanliness, destroyed many of the prisoners. "From my own observations in 1772 and 1773," says Mr. Howard, "I was fully convinced that many more were destroyed by it than were put to death by all the public executions in the kingdom;" and this was when there were one hundred and sixty offences punishable by death. Another flagrant abuse existed, in the custom of forcing all persons who came into the custody of the gaolers, to pay certain fees to those officers before their release. Howard testified before the House of Commons, that these fees amounted in some cases to more than twenty-five shillings. If the prisoner was unable to satisfy these demands he was taken back to gaol, even though he had been acquitted by the court. Two acts were accordingly passed in 1774; one "for preserving the health of prisoners in gaols," and requiring the justices of the peace to order the prisons to be scraped and whitewashed at least once a year, and that the prisoners should be provided with the means of washing themselves; and the other, "respecting the payment of fees to gaolers," which enacted that prisoners who were thereafter acquitted or discharged, should be set free in open court, and that the payment of those fees which had been usually demanded should absolutely cease.

Had these acts been faithfully carried into execution, they would have done but little towards putting the prisons into a proper condition. But, as the Marquis of Lansdowne afterwards complained, "they did not contain provisions to secure their execution," an omission very seriously affecting their efficiency. If any gaoler disobeyed the order of the justice, the act provided that he should be fined; but it provided no punishment for the justice who disobeyed the order of the legislature, and who made no examination of the prison at all. And this neglect became very common, as was afterwards shown, so that the passage of these acts accomplished but very little towards the removal of the abuses at which they were aimed. But besides these, there were many great evils which remained unnoticed and untouched. There was no provision made for the employment of the prisoners, for their classification, or, in many cases, for the proper separation of the sexes. The debtor was confined with the criminal, and the boy suspected of a misdemeanor was thrown into a

cell with the convicted felon. The safe custody of the prisoner was all that such a system could accomplish, while vice and licentiousness were unrestrained. These defects, their consequences and their remedy, were fully shown by Mr. Howard, who set on foot a plan for the establishment of prisons of a better organization, which should not only provide for the safe custody of the prisoner, but conduce to his reform. The scheme was warmly embraced by Mr. Justice Blackstone, who thought so highly of it that he did not hesitate to say, that if it were properly executed, "there was reason to hope that such a reformation might be effected in the lower classes of mankind as might in time supersede the necessity of capital punishment, except for very atrocious crimes." An act was accordingly passed, in 1779, to establish two penitentiaries to test the efficiency of the plan. Three supervisors were chosen, to select a proper location for the penitentiary, and to contract for the buildings. Mr. Howard was the first named, and at his stipulation, Dr. Fothergill was added, Mr. Whately making up the number. A difference of opinion arose as to the best location, Mr. Howard and Dr. Fothergill preferring a site at Islington, while Mr. Whately was strenuous for a spot at Limehouse. While the question was still unsettled, Dr. Fothergill died, and Howard, unable either to change his opinion or to convert Mr. Whately, resigned his office, mortified at perceiving that, at the end of two years, not even a preliminary had been settled. New commissioners were appointed, who agreed upon a location; but it was never purchased, and the whole scheme was allowed to drop. Fifteen years after, it was revived again by a plan proposed by Jeremy Bentham, for a penitentiary which he called the Panopticon, in which all the prisoners were to be visible to the keeper "during every moment of their lives." The administration favored this project. When Mr. Secretary Dundas was called upon to account for the failure of the former plan, he stated that "it had not been carried into execution from a variety of circumstances;" and when further pressed for an explanation, he gave a short and unsatisfactory reply.

This time, a lot of land was purchased and conveyed to Mr. Bentham, who acted for the government; but delays again occurred, and nothing was done; so that, in 1810, Sir

Samuel Romilly had reason for declaring, that "the plan had remained upon the statute book for upwards of thirty years, without any effectual measures having been taken to carry it into effect."

But why were these crying evils, fully exposed as they were, allowed to exist unremedied, undiminished, through a whole generation of men? It was because the king constantly opposed the whole movement. He was too good a Tory to relish the reform even of a criminal. Besides, the subject excited disagreeable associations in the royal mind. If it had not been for the American Revolution, the question might never have come up. Before that unpleasant event, the convicts had been quietly transported to the Colonies.* It was partly because this vent was shut, that the penitentiary system was urged. Bentham says too, (and wrote a book to prove it,) that the king was personally hostile to him, and opposed the Panopticon on that account. At any rate, in the very first stage of the proceedings, the king's signature was necessary to a draft for a thousand pounds. He delayed three weeks, and then refused to give it.

But the example and instruction which Howard had given the world were not lost. The seed had been sown broadcast, and though some fell on stony places, yet there were spots where it took root and flourished. Though no general reform was made in the prisons of England, yet in some of the counties, through the exertions of the magistrates, gaols had been erected upon better principles. These better principles were now to receive an impulse they had never felt before; and the credit of this movement must be given to the Quakers more than to any other class of people, and to the Gurney family more than to any other Quakers.

In his "Account of the Principal Lazarettos of Europe," published in 1789, Howard said, "should the plan take place during my life of establishing a permanent charity under some such title as that at Philadelphia, namely, 'A society for alleviating the miseries of public prisons,' I would most readily stand at the bottom of a page as a subscriber of £500." He

* It is estimated by Dr. Lang, that fifty thousand convicts were sent to the North American Colonies. Franklin argued, that we should be allowed to send back our rattlesnakes for return cargoes.

died the next year, and it was not till 1815,* that the example set in Philadelphia was followed in England. In that year, a society was formed for the "reformation of juvenile offenders," a class which was increasing at an alarming rate. Mr. Buxton and his brother-in-law, Mr. Hoare, were active members. In pursuing their investigations, they found that the grand cause of the increase of crime was the condition of the prisons, which, by bringing young beginners into the most intimate connection with accomplished criminals, were admirably adapted to promote the communication and acquisition of vice. The society therefore assumed the "improvement of prison discipline" as their first object.

About Christmas of the next year, Mrs. Fry began her well-directed labors at Newgate. Her object was to relieve the immediate sufferings of the poor women, whom she found half-naked, half-drunk, shameless, and abandoned. She did this, and in doing it accomplished a great deal more. She established, in the most public and conclusive manner, the first principle of all prison discipline. She showed the worst prisoners in the worst prison in England (and the world,) long accustomed to a prison life of vice, idleness, and riot, suddenly converted to industry, order, and sobriety; and this change effected by ladies unsupported by authority, and acting under many inconveniences. Could there be more striking proof, that human nature when most perverted will still prefer industry to idleness; when most hardened can still be touched by compassion; and when most lawless will still own allegiance to that superiority which proves itself by acts of disinterested kindness? It was a wonderful change that was made, when "this hell upon earth" exhibited the appearance of "an industrious manufactory, or a well-regulated family;" and many persons came to behold what seemed little less than a miracle wrought by some newly discovered agency. And yet the principle by which it was accomplished was an old one, and it was only strange that its application should be so new.

Just fifty years before, Goldsmith had imagined his Vicar

* In the Biography of Sir T. F. Buxton, it is stated that "in 1816, the Society for the Reformation of Prison Discipline was formed." p. 65. The report of the Committee of the Society, in 1818, says, "The Society in 1815 commenced its labors." p. 10.

of Wakefield effecting similar changes by similar means ; and it is curious to observe how much more wonderful the fact was than the fiction. Goldsmith was forced to keep within the bounds of probability, which Mrs. Fry went far beyond. For example, when the good Vicar, excited to the highest compassion at the sight of their insensibility, and with all his own uneasiness blotted from his mind, first reads a portion of the religious service to the prisoners, he found his "audience perfectly merry upon the occasion. Lewd whispers, groans of contrition burlesqued, winking and coughing, alternately excited laughter." But the first day that the school was organized at Newgate, after monitors had been chosen, "one of the visitors read aloud the fifteenth chapter of Luke. After a period of silence, according to the custom of the Society of Friends, the monitors with their classes withdrew to their respective wards in the most orderly manner."* And afterwards, the vilest tricks are played upon the Vicar ; but in Newgate, "the ladies have always been treated with uniform respect and gratitude."†

The biographers of Mrs. Fry and Mr. Buxton do not agree in awarding the credit of the first impulse to their mutual labors in improving the state of the prisons. In the biography of Mrs. Fry, we are told that "the conversation of these gentlemen, (Mr. Hoare and Mr. Buxton,) who were forming a society for the reformation of juvenile depredators, tended to keep alive in the mind of Mrs. Fry the interest awakened in 1813 ;" (Vol. I. p. 282) — while in Mr. Buxton's biography it is said, "One day, while walking past Newgate with Mr. Samuel Hoare, their conversation turned upon the exertions of their sister-in-law, Mrs. Fry, and her companions for the improvement of the prisoners within its walls ; and this suggested the idea of employing themselves in a similar manner." (p. 65.) We think the precedence must, very ungallantly, be taken by the gentlemen, and that Mr. Buxton's biographer was misled by the error in the date of the formation of the Prison Discipline Society, which we have just noticed.

The first thing the Society did was to collect trustworthy information. They divided the prisons and districts of London among the members of their committee, and examined

* Buxton's Inquiry, p. 130.

† Ibid. p. 133.

into the history of the boys whom they found convicted or arraigned. They followed up their inquiries among the boys' parents and associates ; and they found that, more than the want of education, employment, and food, more than the flash-houses and the neighboring fairs, more than the relaxation of justice arising from the impossibility of inflicting the inhuman punishments which the law then awarded, — more than all these, was the increase of crime among juvenile delinquents caused by the state of the prisons. "It certainly is not too much to say, that amongst children of a very early age, absolute impunity would have produced less vice than confinement in almost any of the gaols in the metropolis and its neighborhood." The increase of crime was most alarming. By official papers it was shown, that the number both of committals and convictions in the kingdom had more than doubled in the ten years from 1807 to 1817 ; and in 1818, it appeared that more than one hundred and seven thousand persons had been committed to the gaols of the United Kingdom in the course of the year, a number supposed to be greater than that of all the commitments in the other kingdoms of Europe put together. The prisoners were a population in themselves. Their treatment rendered it almost certain that not one should be lost, but that every one who came once within the limit of the prisons should be insured a criminal for the remainder of his life.

To spread information of the extent of this evil, and to urge on its cure, was the object of the Prison Discipline Society. The prisons of Ghent and Antwerp had long been famous as among the best in Europe ; and to procure the latest information upon the subject, Mr. Buxton and his brother-in-law crossed the channel in the winter of 1817. Mr. Buxton was so much struck with the admirable management of the *Maison de Force* at Ghent, that upon his return he laid an account of it before the London Society. The committee requested him to publish it. "When I sat down to this task," he says, in the preface to his book, "the work insensibly grew upon my hands. It was necessary to prove that evils and grievances did exist in this country, and to bring home to these causes the increase of corruption and depravity. For this purpose, repeated visits to various prisons were necessary." In February, 1818, he published a small book, enti-

tled, "An Inquiry whether Crime be produced or prevented by our present System of Prison Discipline." Its success was eminent. Attention had already been attracted to the subject by Sir Samuel Romilly's motions in the House of Commons; and Mr. Buxton's book was admirably adapted to increase the interest and direct the attention which was awakening. Its own merits, too, were very great; accurate and reserved in its statements, clear and logical in its reasoning, it rose at times to an earnest eloquence which could not fail to excite in the reader the sentiments from which it sprung. It contained, too, the best, and we think the first, account of Mrs. Fry's most romantic achievements, and pointed out, in a manner that secured attention, the abominable state of many prisons, with the principles and means of their reform. It passed through six editions in the first year of its publication. "It was translated into French, and distributed on the Continent. It even reached Turkey; and in India, a gentleman by the name of Blair having chanced to read it, was induced to examine into the state of the Madras gaols. He found them in a wretched condition, and did not rest till a complete reformation had been effected."

This book served, moreover, as an admirable introduction to the House of Commons, of which Mr. Buxton was chosen member from Weymouth in the spring of the same year. Among the first subjects which came before the new House was the state of the convict-ships, when Sir James Mackintosh took occasion to say, "The question of our penal code, as relating to prison abuses, has been lately brought home to the feelings of every man in the country, by a work so full of profound information, of such great ability, of such chaste and commanding eloquence, as to give that House and the country a firm assurance, that its author could not embark in any undertaking which would not reflect equal credit upon himself and upon the object of his labors." Nothing could be more complimentary than such a notice of a new member by a colleague so distinguished.

The spirit in which Mr. Buxton entered upon his new scene of action is shown by an extract from a private paper, written on New Year's day, 1819, in which, as had been his custom for several years, he made up a sort of mental balance sheet, with a statement of his progress or deterioration, his

mistakes and oversights, or achievements and gains during the past year, with a formal and distinct plan of action for the year that was to come.

“ Now that I am a member of Parliament, I feel earnest for the honest, diligent, and conscientious discharge of the duty I have undertaken. My prayer is for the guidance of God’s Holy Spirit, that, free from views of gain or popularity — that, careless of all things but fidelity to my trust, I may be enabled to do some good to my country, and something for mankind, especially in their most important concerns. I feel the responsibility of the situation, and its many temptations. On the other hand, I see the vast good which one individual may do. May God preserve me from the snares which may surround me ; keep me from the power of personal motives, from interest or passion, or prejudice or ambition, and so enlarge my heart to feel the sorrows of the wretched, the miserable condition of the guilty and the ignorant, that I may ‘ never turn my face from any poor man ; ’ and so enlighten my understanding, that I may be a capable and resolute champion for those who want and deserve a friend.”

The subjects which had most interested him out of Parliament continued to engage him when in it. With the reform of prison discipline that of the criminal law was intimately connected. Both these subjects, especially the latter, had occupied the attention of Sir Samuel Romilly during the ten years previous to his death. This sad event had just occurred ; and as his virtues were universally admired and his character beloved, there was left a duty with his many friends to carry forward his unfinished labors. Men admire the dead more easily than the living, and are readier to yield to their influence ; and it is not improbable that, in the silence of his grave, his appeal reached many by whom it had been unheeded in the clamor of debate.

The right of a community to punish those who injure its members *originates*, no doubt, in the natural sense of justice among men. Uncivilized communities and unphilosophical legislators find here a sufficient argument and warrant, which, by reason of the same sense, is neither opposed nor questioned by those among whom it is exercised. Hence the punishment of criminals has existed, in fact, among all societies, while the labor of defining the grounds upon which the right rests, of defending its exercise and analyzing its method and operations, has fallen to the philosophers of a more advanced

state of society. Without referring to more ancient speculations, it is sufficient for our purpose to observe, that the first writer who treated the subject in modern times in a correct and striking manner was the Marquis of Beccaria, who, in the middle of the eighteenth century, published his treatise upon Crimes and Punishments. Many of the principles which he advances are to be found, among others, in the writings of Montesquieu, whom he professedly follows; but the development of the theory, and its proper application, are due to the Italian philosopher.

His treatise was short and masterly. The subject was one which affected every community in Europe; and the doctrines which it inculcated were those from the neglect of which almost every state in Europe was at that time suffering. It was therefore warmly received and widely circulated. It was translated into French with a commentary by Voltaire, and spread wherever the language was read, and the authority of the commentator had weight. An English translation soon appeared. But to acknowledge and admire a theory is hardly one step towards carrying it into practice; and Tuscany and Russia were the only governments which amended their penal codes in accordance with the new rules which had been laid down.

Celerity of action is an acknowledged advantage possessed by absolute governments; but the long postponement of penal reform in England can hardly be accounted for by the necessary delays of legislative proceedings. The true cause is to be found in the enormous extent of the evils to be remedied. For the criminal code of England at that time was a monstrous compilation, without form, without organization, without plan; curious in its combination of defects, wonderful and fearful in the aggregation of its evil qualities; by turns bloodthirsty and squeamish, exacting and prodigal, puzzling in its conglomerate of contradictions; here, young but disused; there, old but in vigor; in many parts, decrepid, decayed, to all appearance dead, but capable of being roused to sudden and awful action; unjust itself, the cause of sin in others; bloodthirsty and capricious, of itself it would have fallen; but clamped in the chains of custom, its rotten members hung together conspicuous, horrid, an ignominy to the dead, a reproach and offence to the living.

“Every punishment which does not arise from absolute

necessity," says Beccaria, quoting from Montesquieu, "is tyrannical." The right of punishment is thus placed upon the only ground where it finds a firm foundation, — that of necessity. Its exercise is an evil, justifiable only because necessary to prevent a greater evil. It is a right under the same law which authorizes a starving man to steal bread; or a man attacked by violence to take the life which threatens his own. In all these cases alike, the necessity must be plain and evident. It is a plea whose limits are easily defined. Evidently, the necessary stops with the sufficient. Nothing can be necessary for a purpose beyond what is sufficient to accomplish it. In the example we have used, the starving man has a right to steal a loaf of bread; but if a loaf of bread and a pineapple are lying side by side, and he take the pineapple, he is guilty of theft to an amount equal to the value of the pineapple over that of the bread. He has stolen a value greater than what was sufficient to support life; he has gone beyond the limits of necessity; he has exceeded the powers of his charter. The application of the principle is easy; — the moment a government inflicts a punishment greater than is sufficient to prevent the crime for which it is awarded, that moment it becomes tyrannical. Thirty years ago, there were two hundred and twenty-three offences punishable by death, according to the statute law of England; there are now only eight or nine. And this reduced scale of punishment is found to be sufficient; the old laws, then, were unnecessary, and therefore tyrannical.

But we may be required to show, that the Parliament of Great Britain knew the punishments they decreed for their subjects to be more than sufficient before we find them guilty of tyranny. To do this, it is only necessary to quote the statutes. There are certain limits within which is a region of doubt; on either side of these is certainty; but within them knowledge can only be attained, in a practical matter, by experience. But the British Parliament grossly erred far beyond these limits of uncertainty and inexperience. They wandered from the path plainly pointed out to them by common humanity and common sense, and turned a deaf ear to the teachings which their subsequent experience afforded them. At the beginning of this century, a man in England might be hanged for cutting down a growing tree, for injuring West-

minster bridge, for picking a pocket of any article worth more than a shilling, for wearing a mask on the high road by night, for breaking down the head of a fish-pond, for keeping company with gypsies, for shooting a rabbit in a warren, and for other offences as frivolous. The very statement of the number of capital offences proves the frivolity of an immense majority of them. Can it be urged with any force, that the enlightened Parliament of an enlightened nation could not know, when they awarded these punishments, that they were unnecessary to prevent the offence ; that a much lighter penalty would have accomplished their purpose equally well ?

The true account of the criminal legislation of Great Britain is, that it was the exercise of power by one class of men over another for whom they had neither sympathy nor care. The unfeeling levity with which bills were passed, creating scores of capital offences, now seems wonderful. Anybody had influence enough to carry such an act through both houses. None opposed ; none discussed. When Burke was rushing through the entry of the House, in haste to keep an appointment abroad, he was called back by one of the servants. There was matter before the House which needed his vote ; it would not detain him a moment ; it was only a felony without benefit of clergy. It is within modern times that a bill was passed appointing capital punishment at once for seventeen different offences, great and trivial.

Though punishments were so lavishly enacted, yet, as was natural in a code of laws heaped together without system, many crimes were left without any punishment. We speak not of "forty years since ;" it is only half that period since a man could be transported for stealing a handkerchief ; but if he stole a title deed, or a will on which the property of whole families might depend, he was wholly free from penalty. There were statutes to prevent the stealing or destroying of madder roots, and to protect hollies and thorns in forests ; but the man who stole from a house he had hired could not be punished. "I am sorry," said Chief Baron McDonald to a man convicted of stealing some plate from a house which he had hired, "I am sorry the laws of England have not provided for your case, for I have no doubt whatever of your guilt." Could Paley have been aware of these facts, when he defended the existing state of the law, because "the num-

ber of statutes creating capital offences sweeps into the net every crime, which, under any possible circumstances may meet the punishment of death?" The net was widely spread for the smaller fry of offenders; but great criminals found sometimes a weak spot which they might easily break through. These omissions, however, were not numerous; the great fault of the system was its inhuman severity.

We shall not dwell upon the details of this severity, nor stop to trace into all its ramifications the evils which such a system necessarily brought with it. These evils arose not so much from the execution of the law as from its non-execution. It was declared by high legal authority, that the law at that time existed indeed in theory, but had "almost been abrogated in practice by the astuteness of judges, the humanity of juries, and the clemency of the crown." But law cannot thus be avoided by those who administer it, except by their walking in devious and uncertain paths. The judge, the jury, and the crown, the criminal, the prosecutor, — nay, the whole community, felt the evil of the established wrong, even in the means they were forced to adopt to escape its legitimate results. The almost unlimited severity of the law necessarily caused a discretionary power to be given to the judge, which, from the imperfection of human nature, could hardly be exercised with impartiality. The jury was often placed in the dilemma of either breaking their oaths as jurors, or of acting contrary to the laws of humanity; and they preferred the latter, calling it "pious perjury." The criminal knew that his chances of escape were increased by the nature of the law, and was more reckless in committing offences. If convicted, he regarded himself, and was regarded by others, as a martyr to social tyranny. The prerogative of mercy inherent in the crown was, by its extended use, changed to its very opposite. To spare the forfeited life became the rule; to demand it was the act of the sovereign. And the injured man sat down under his injuries rather than inflict a punishment as disproportioned as revenge itself could imagine. Surely there was reason to pray for "all those whose duty it is to execute justice," for the law of the land led them into grievous temptations.

And the bad influences of this state of the law did not stop with those who were immediately connected with its execu-

tion. They spread throughout the whole community, and were not less potent in those results which were unseen and constant, than in those which were often brought to notice. For the law of a nation should be its great preceptor. All men should be forced to admire the wisdom which provides the far-reaching rules under which they act. The whole people should be the intelligent instances illustrating these general rules. Society should look for wisdom from its own enacted truth. How great, then, the evil, when that which should instruct must be put aside and virtually annulled, because opposed to the elementary dictates of human nature!

It is not to be supposed that, in the native land of Sir Thomas More, Sir Walter Raleigh, and Lord Bacon, these evils passed unnoticed or unchallenged. The faulty state of the penal law was observed by these and others. The defects and their consequences were clearly pointed out. But the first time that its amendment was brought to the notice of Parliament was in 1750, when an alarm having been excited by the increase of certain crimes, a committee was appointed by the House of Commons, "to examine into and consider the state of the laws relating to felonies, and to report to the House their opinion as to the defects of those laws, and as to the propriety of amending or repealing them." The subject was not committed to obscure men, nor to rash theorists, but to the greatest lawyers and statesmen of the time. Among the members of that committee were Mr. Pelham, then Chancellor of the Exchequer, the elder Pitt, Mr. G. Grenville, afterwards Lord Grenville, Mr. Lyttleton and Mr. Charles Townsend, afterwards Secretaries of State, and Sir Dudley Ryder, then Attorney-General, afterwards Chief Justice of England. Two sessions of Parliament were consumed in the investigations to which their subject led, when they recommended the House to adopt the resolution, "that it was reasonable to exchange the punishment of death for some other adequate punishment." Founded upon a series of resolutions, of which this was the first, a bill was brought in, which passed the House of Commons, but the Lords threw it out. We have the authority of Sir James Mackintosh for saying, that "it was not opposed by any of the great names of that day — by any of the luminaries of that House."

Twenty years after, nearly the same series of events recurred. A similar increase of crime produced a similar alarm, which led to the appointment of another committee, who spent two other years in coming to results like those of their predecessors. Their bill proposed the repeal of eight or ten sanguinary statutes. The Commons accede, the obscurer Lords reject the bill, while Lord Camden and Lord Mansfield, the ornaments of their house, offer it no opposition.

It was upon such precedents, that in 1808, Sir Samuel Romilly began his labors in this branch of legal reform. In the session of that year, he proposed to repeal a statute of the time of Queen Elizabeth, by which the crime of privately stealing from the person was made punishable by death. His bill passed with some alterations in the House of Commons, while in the Lords not a word was said upon it.

Encouraged by this success, he brought forward, early in 1810, three bills to repeal as many acts which then punished with death the crimes of stealing privately in a shop goods of the value of five shillings ; of stealing to the amount of forty shillings in dwelling-houses ; and of stealing to the same amount on board vessels in navigable rivers. Of these, the Commons passed the first, rejected the second, and postponed the third. The first bill then went to the Lords, who were less lenient or more watchful. Lord Eldon, Lord Ellenborough, and Lord Liverpool spoke strongly against the measure. Lord Ellenborough was horrified at the prospect of innovation which opened before him. He is even reported to have made a confession most painful to a statesman of ability, who, whatever may be the measure proposed, is supposed to have so commanding a knowledge of affairs as to be able to point out its legitimate consequences, whether for good or evil. But a measure proposing to change the punishment of stealing from a shop goods of the value of five shillings, from death to transportation for life, presented to his bewildered gaze a mass of mingled dangers beyond his power to analyze or portray. He had recourse to metaphor. "My Lords," he cried, "if we suffer this bill to pass, we shall not know where we stand ; we shall not know whether we stand upon our heads or our feet." No wonder their lordships were alarmed. They rejected the bill by a majority of thirty-one to eleven.

Next year, the same three bills were again brought before Parliament, and now they all passed the Commons, but the Lords were inexorable. Lord Ellenborough could not witness the repeal of "laws which centuries have proved to be necessary." Lord Eldon declared, that he "saw the wisdom of the principles and practice by which the criminal code was regulated;" while Lord Liverpool "objected not so much to the bills themselves as to the principles on which they were founded, which might be applied to the whole criminal code. That code," he said, "had succeeded as well as it was possible for any system of criminal law to succeed. He should, therefore, oppose the bills, which, while he was sure they could effect no good, might be productive of very great mischief." *

In 1813 and 1816, the bill met with the same treatment. Again brought forward in 1818, it passed the House of Commons for the fifth time, a few months before the sad death of its able and persevering advocate.

We should form but an inadequate idea of what Sir Samuel Romilly really accomplished towards the reform of the criminal law, did we confine our view to the changes in the statute book, which he effected. The influence exerted upon public opinion by his writings and speeches cannot be determined; but it is fair to estimate it from knowing the effect they were fitted to produce, and by observing the change which actually did take place after them. Two important results, however, may be distinctly noticed. He put a stop to the passage of bills creating new capital felonies; and he carried through Parliament a preamble which, upon its first introduction, had been warmly and successfully opposed, and which contained an expression of the principle which he deemed to be the cardinal one of all criminal legislation, that the efficiency of punishment depends, not upon its severity, but upon its certainty. The whole reform afterwards accomplished was but the necessary consequence of this principle.

* For further arguments of the same nature, see Sydney Smith's "Noodle's Oration." With equal earnestness, Noodle asks, "What would our ancestors say to this, Sir? How does this measure tally with their institutions? Are we to put the wisdom of yesterday in competition with the wisdom of centuries? If this measure be right, would it have escaped the wisdom of our Saxon progenitors, &c.? Would the Dane have passed it over? Would the Norman have rejected it?"

The conduct of the cause now fell into the hands of Sir James Mackintosh, who brought forward a motion for the appointment of a select committee on the criminal law. His motion was seconded by Mr. Buxton, who made upon this occasion his first formal speech in Parliament. In describing the character of his speeches, his biographer says : — “ Their eloquence was less remarkable than their force. His speeches were not sparkling nor splendid ; their end was utility ; their ornaments, clearness, force, and earnest feeling. He usually bestowed much care in preparation ; not in embellishing the style, but in bringing together supplies of facts, and marshalling them in one strong line of argument. Speaking, as he did, from the heart, and for the most part on subjects which appealed to the feelings as well as the judgment, he sometimes rose into passages of impassioned declamation ; occasionally there was a burst of indignation, and not unfrequently a touch of playful satire ; but the usual character of his oratory was a lucid and powerful appeal to the reason of his audience.”

From this speech we will make two extracts, partly to give a specimen of his style, and partly for the sake of the information they so strikingly convey. Both illustrate the practical nature of his arguments, and the forcible and ingenious manner in which he presented well-known facts.

His object was to show to those who prided themselves upon their conservatism, and who defended the existing state of the laws by what Bentham calls “ the wisdom-of-our-ancestors argument,” that the law as it then stood was directly opposed to the old law of England ; for while, at present, a vast number of offences of various degrees of guilt were threatened with death, in earlier days a few crimes only, of great enormity, were deemed worthy of such punishment.

“ I hold in my hand,” he said, “ a list of those offences which at this moment are capital, in number 223 ; the first was made capital in the reign of Edward III, and the last in the present century, comprising a period of about 450 years. Of these 223, six were enacted in the 150 years from the reign of Edward III. to the death of Henry VII. In the next 150 years, from the accession of Henry VIII. to the accession of Charles II. thirty were enacted ; and in the last 150 years, from the accession of Charles II. to the present time, eighty-seven. Or

to put it in another point of view. In the reign of the Plantagenets, the number of capital offences created was four ; in that of the Tudors, twenty-seven ; in that of the Stuarts, thirty-six ; in the reign of the House of Brunswick, one hundred and fifty-six. Or to make it still stronger, more crimes have been denounced as capital in the reign of *his present Majesty*, than in the reigns of the Plantagenets, the Tudors, and the Stuarts combined."

To show the uncertainty of its execution consequent upon the severity of the law, he said, —

"You will observe, that every criminal has certain natural chances of escape. He commits a felony ; that felony may never be discovered ; if discovered, he may not be suspected as its author ; if suspected, proof may be wanting ; proof being supplied, he may not be apprehended. These are natural chances in favor of the criminal ; they must be calculated at something ; but whether that something be two to one, or one hundred to one in favor of the criminal, is a matter of indifference to my argument. I will put them at that to which I think they most nearly approach, namely, five to one. But I have proved that it is highly probable that the reluctance to prosecute augments his natural chances of escape ten to one ; that is, what was by nature five to one, becomes fifty to one. I have proved, that the reluctance of juries to convict in capital cases, doubles these chances ; so we have arrived at one hundred to one in favor of the criminal, that he will not be capitally convicted. Being capitally convicted, what are his chances against execution ? Government has saved me the trouble of calculating this. It appears that if a criminal be capitally convicted, it is ten to one he will not be executed ; so that we are arrived at this — it is five to one he will not be detected ; fifty to one he will not be prosecuted ; one hundred to one he will not be convicted ; and one thousand to one that the sentence pronounced by the law will never be carried into effect.

"Gentlemen will naturally startle at so extraordinary a result. I confess I did so myself when I first considered the subject. I distrusted premises which led to so strange a conclusion. I thought they proved too much ; nevertheless that conclusion is true, and true to a mathematical demonstration."

In spite of the opposition of Government, the motion for the appointment of a committee was carried by a majority of eighteen. Mr. Buxton was included in this committee, as well as in another, appointed nearly at the same time, to examine the state of the gaols throughout the kingdom. The business

of these committees occupied his time and thoughts. Three mornings of the week were devoted to one, and three to the other. Caring little about party politics, he voted as he liked, sometimes with Government and sometimes against it, according to his view of the case. "I feel the greatest interest," he writes to his friend North, "in such subjects as the Slave Trade, the condition of the poor, prisons, and criminal law: to these I devote myself, and should be quite content never to give another vote upon a party question."

It was not till the year succeeding their appointment, that the committee charged with the inquiry into the working of the criminal laws brought their labors to a close. From their report arose the bill of Sir James Mackintosh for the abrogation of the punishment of death in cases of forgery. The speech which Mr. Buxton delivered upon this bill excited even more notice than that delivered upon the motion for a committee. "Sir James Mackintosh said in the House, that it was 'the most powerful appeal he had ever had the good fortune to hear within the walls of Parliament.'" And in a subsequent debate, Mr. (now Lord) Denman remarked, that "more of wisdom, more of benevolence, more of practical demonstration, he had never heard in the course of his parliamentary career, than was contained in the energetic speech of his honorable friend."

The evening after the delivery of this speech, Mr. Buxton received from Mr. Wilberforce the following letter, which gave the direction to the labors of the rest of his life: —

"My dear Buxton,

London, May 24, 1821.

"It is now more than thirty-three years since, after having given notice in the House of Commons that I should bring forward, for the first time, the question concerning the Slave Trade, it pleased God to visit me with severe indisposition, by which, indeed, I was so exhausted, that the ablest physician in London of that day declared that I had not stamina to last above a very few weeks. On this I went to Mr. Pitt, and begged of him a promise, which he kindly and readily gave me, to take upon himself the conduct of that great cause.

"I thank God, I am now free from any indisposition; but from my time of life, and much more from the state of my constitution, and my inability to bear inclemencies of weather, and irregularities which close attendance on the House of Commons often requires, I am reminded, but too intelligibly, of my being in such a

state that I ought not to look confidently to my being able to carry through any business of importance in the House of Commons.

Now, for many, many years I have been longing to bring forward that great subject, the condition of the negro slaves in our trans-Atlantic colonies, and the best means of providing for their moral and social improvement, and ultimately for their advancement to the rank of a free peasantry ; a cause this, recommended to me, or rather enforced on me, by every consideration of religion, justice, and humanity.

“ Under this impression I have been waiting, with no little solicitude, for a proper time and suitable circumstances of the country, for introducing this great business ; and, latterly, for some Member of Parliament, who, if I were to retire or to be laid by, would be an eligible leader in this holy enterprise.

“ I have for some time been viewing you in this connection ; and after what passed last night, I can no longer forbear resorting to you, as I formerly did to Pitt, and earnestly conjuring you to take most seriously into consideration the expediency of your devoting yourself to this *blessed service*, so far as will be consistent with the due discharge of the obligations you have already contracted, and in part so admirably fulfilled, to war against the abuses of our criminal law, both in its structure and its administration. Let me then entreat you to form an alliance with me, that may truly be termed holy, and if I should be unable to commence the war (certainly not to be declared this session) ; and still more, if, when commenced, I should, (as certainly would, I fear, be the case,) be unable to finish it, do I entreat that you would continue to prosecute it. Your assurance to this effect would give me the greatest pleasure — pleasure is a bad term — let me rather say peace and consolation ; for, alas, my friend, I feel but too deeply, how little I have been duly assiduous and faithful in employing the talents committed to my stewardship ; and in forming a *partnership* of this sort with you, I cannot doubt that I should be doing an act highly pleasing to God, and beneficial to my fellow creatures. Both my head and heart are quite full to overflowing, but I must conclude. My dear friend, may it please God to bless you, both in your public and private course. If it be His will, may He render you an instrument of extensive usefulness ; but above all, may He give you the disposition to say at all times, ‘ Lord, what wouldst thou have me to do, or to suffer ? ’ looking to Him, through Christ, for wisdom and strength. And while active in business and fervent in spirit upon earth, may you have your conversation in heaven, and your affections set on things above. There may we at last meet, together with all we most love, and spend an eternity of holiness and happiness complete and unassailable. Ever affectionately yours,

“ W. WILBERFORCE.”

A charge so important was not lightly to be rejected or assumed ; and it was not till a year and a half after the receipt of this letter, that Mr. Buxton fully resolved upon undertaking it. During that interval, he spent what time he could command in a study of the subject in all its bearings. But before we enter upon any view of this, the great object of his life, let us trace to their conclusion the efforts in which he engaged for the improvement of the gaols and of the criminal law.

“ The committee on gaols (appointed in 1819) published its first report in 1820, and the government was thereby induced to bring in a bill for consolidating and amending the prison laws then in existence. This bill was referred for revision to a select committee, of which Mr. Buxton was a member.” p. 90.

“ After much patient investigation, a bill was prepared by the committee, and immediately adopted by the two Houses of Parliament ; and thus the English gaols, instead of remaining ‘ the nurseries and hot-beds of crime, the almost inevitable ruin of all who entered within their walls,’ have become, generally speaking, places where the improvement, as well as the punishment of the criminal is attempted. Perfection, of course, is not yet attained ; the new system has been of no avail in those prisons where exertions have not been used to enforce it ; but no man can read the descriptions of the state of gaols from twenty-five to thirty years ago, and compare them with those of the present day, without being astonished at the extent of the evil and of the reform.” p. 91.

With regard to the reform of the Criminal Law, without following out the particulars of parliamentary warfare, it is enough to say, that Sir James Mackintosh kept the subject constantly in view, and made various efforts to bring about a reform, apparently without success, till Mr. (now Sir Robert) Peel, being Secretary of the Home Department, commenced in 1826 his revision of the code, by which it was cleared of many obsolete and barbarous statutes, and the whole body of the criminal law arranged and consolidated. In 1830, while this work was still going on, Mr. Peel introduced a bill for consolidating the laws relating to forgery, retaining, however, in spite of a strong opposition, the punishment of death in several cases. To express the sense of the men of business in England, that their property would be far safer when protected by a penalty to whose infliction humanity was not

opposed, Mr. Buxton dictated one morning, at breakfast, the form of a petition which, being quickly sent to the principal towns of the kingdom, received the signatures of firms representing above one thousand bankers. It was presented by Mr. Brougham, and had great effect in procuring a majority in the House of Commons against the punishment of death for forgery. The merciful and intelligent Lords reversed the decision ; but the question was virtually decided by the vote of the Commons ; and no execution for forgery has, since that vote, taken place in Great Britain.

“In succeeding years, the infliction of capital penalties was more and more reduced by the efforts of Mr. Ewart, Mr. Lenard, and others, to whose exertions Mr. Buxton always gave, while he remained in Parliament, his strenuous assistance ; and it is satisfactory to know that the number of crimes, now legally punishable with death, is reduced from two hundred and thirty to eight or nine ; and that, practically, no executions now take place in England or Wales, except for murder or attempts to murder.” p. 247.

We are now come to the great labor and achievement of Mr. Buxton's life—the emancipation of the slaves in the British colonies. His previous exertions, which we have briefly noticed, had developed his powers, displayed his force, and won the respect and confidence of his contemporaries. Wilberforce had seen in him the qualities fit for carrying out those plans, which, as he was conscious, required a younger and more vigorous champion than himself. But our space fails us ; and the hasty sketch which we propose to give of the crowning work of Mr. Buxton's life must be reserved for our next number.

ART. IV. — *Dalmatia and Montenegro : with a Journey to Mostar in Herzegovina, and Remarks on the Slavonic Nations ; the History of Dalmatia and Ragusa, the Uscocs, &c.* By SIR J. GARDNER WILKINSON, F. R. S., &c. London : John Murray. 1848. 2 vols. 8 vo.

THE countries that form the eastern coast of the Adriatic have been but seldom visited and described by modern trav-